The arguments made by advocates of so-called net neutralityregulations have been proven false by nearly a decade of experience since
their concerns were first raised. The exact words of our First Amendment
speaks for itself as follows: First Amendment to the United States
Constitution
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United States of America

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The Bill of Rights in the National Archives.The First Amendment to the United States Constitution is part of the Bill of Rights. The amendment prohibits the making of any law "respecting an establishment of religion", impeding the free exercise of religion, infringing on the freedom of speech, infringing on the freedom of the press, interfering with the right to peaceably assemble or prohibiting the petitioning for a governmental redress of grievances.

Originally, the First Amendment only applied to the Congress. However, in the 20th century, the Supreme Court held that the Due Process Clause of the Fourteenth Amendment applies the First Amendment to each state, including any local government.

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Text
Â“ Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. Â”

Background
Main article: Anti-Federalism
Opposition to the ratification of the Constitution was partly based on the Constitution's lack of adequate guarantees for civil liberties. To provide such guarantees, the First Amendment, along with the rest of the Bill of Rights, was submitted to the states for ratification on September 25, 1789 and adopted on December 15, 1791.

Establishment of religion
Main article: Establishment Clause of the First Amendment
The Establishment Clause of the First Amendment prohibits the establishment of a national religion by the Congress or the preference of one religion over another, non-religion over religion, or religion over non-religion. Originally, the First Amendment only applied to the federal government. Subsequently, under the incorporation doctrine, certain selected provisions were applied to states. However, it was not until the middle and later years of the twentieth century that the Supreme Court began to interpret the Establishment and Free Exercise Clauses in such a manner as to restrict the promotion of religion by state governments. For example, in the Board of Education of Kiryas Joel Village School District v. Grumet, 512 U.S. 687 (1994), Justice David Souter, writing for the majority, concluded that "government should not prefer one religion to another, or religion to irreligion."

In 2007, the United States Court of Appeals for the Ninth Circuit, in Inouye v Kemna, ruled that a parolee can not be forced to attend Alcoholics Anonymous meetings as a part of his parole when there is a conflict between the religious belief of the parolee and that of Alcoholics Anonymous.[1]

Free exercise of religion

Main article: Free Exercise Clause of the First Amendment

In Sherbert v. Verner, 374 U.S. 398 (1963), the Warren Court applied the strict scrutiny standard of review to this clause, holding that a state must demonstrate a compelling interest in restricting religious activities. In Employment Division v. Smith, 494 U.S. 872 (1990), the Supreme Court retreated from this standard, permitting governmental actions that were neutral regarding religion. The Congress attempted to restore this standard by passing the Religious Freedom Restoration Act, but in City of Boerne v. Flores, 521 U.S. 507 (1997), the Supreme Court held that such an attempt was unconstitutional regarding state and local government actions (though permissible regarding federal actions).

Freedom of speech

Main article: Freedom of speech in the United States

Sedition

The Supreme Court never ruled on the constitutionality of any federal law regarding the Free Speech Clause until the 20th century. The Supreme Court never ruled on the Alien and Sedition Acts of 1798, whose speech provisions expired in 1801.[2] The leading critics of the law, Thomas Jefferson and James Madison, argued for the Acts' unconstitutionality based on the First Amendment, among other Constitutional provisions (e.g. Tenth Amendment).[3] In New York Times Co. v. Sullivan, 376 U.S. 254 (1964), the Supreme Court said, "[a]lthough the Sedition Act was never tested in this Court, the attack upon its validity has carried the day in the court of history."[4]

After World War I, several cases involving laws limiting speech came before the Supreme Court. The Espionage Act of 1917 imposed a maximum sentence of twenty years for anyone who caused or attempted to cause "insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States." Under the Act, there were over two thousand prosecutions. For instance, one filmmaker was sentenced[5] to ten years imprisonment because his portrayal of British soldiers in a movie about the American Revolution impugned the good faith of an American ally, the United Kingdom. The Sedition Act of 1918 went even further, criminalizing "disloyal," "scurrilous" or "abusive" language against the government.

In Schenck v. United States, 249 U.S. 47 (1919), the Supreme Court was first requested to strike down a law violating the Free Speech Clause. The case

involved Charles Schenck, who had, during the war, published leaflets challenging the conscription system then in effect. The Supreme Court unanimously upheld Schenck's conviction for violating the Espionage Act. Justice Oliver Wendell Holmes, Jr., writing for the Court, suggested that "the question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."

The "clear and present danger" test of Schenck was extended in Debs v. United States, 249 U.S. 211 (1919), again by Justice Oliver Wendell Holmes. The case involved a speech made by Eugene V. Debs, a political activist. Debs had not spoken any words that posed a "clear and present danger" to the conscription system, but a speech in which he denounced militarism was nevertheless found to be sufficient grounds for his conviction. Justice Holmes suggested that the speech had a "natural tendency" to obstruct the draft.

Thus, the Supreme Court effectively shaped the First Amendment in such a manner as to allow a multitude of restrictions on speech. Further restrictions on speech were accepted by the Supreme Court when it decided Gitlow v. New York, 268 U.S. 652 (1925). Writing for the majority, Justice Edward Sanford suggested that states could punish words that "by their very nature, involve danger to the public peace and to the security of the state." Lawmakers were given the freedom to decide which speech would constitute a danger.

Freedom of speech was influenced by anti-communism during the Cold War. In 1940, the Congress enacted the Smith Act, which made it illegal to advocate "the propriety of overthrowing or destroying any government in the United States by force and violence." The law was commonly used as a weapon against Communist leaders. The constitutionality of the Act was questioned in Dennis v. United States 341 U.S. 494 (1951). The Court upheld the law in 1951 by a 6-2 vote (Justice Tom C. Clark did not participate because he had ordered the prosecutions when he was Attorney General). Chief Justice Fred M. Vinson relied on Oliver Wendell Holmes' "clear and present danger" test when he wrote for the majority. Vinson suggested that the doctrine did not require the government to "wait until the putsch is about to be executed, the plans have been laid and the signal is awaited", thereby broadly defining the

words "clear and present danger." Thus, even though there was no immediate danger posed by the
Communist Party's ideas, the Court allowed the Congress to regulate the Communist Party's speech.

Dennis v. United States has never been explicitly overruled by the Court, but its place within First Amendment jurisprudence has been considerably narrowed by subsequent decisions. In 1957, the Court changed its interpretation of the Smith Act in deciding Yates v. United States, 354 U.S. 298 (1957). The Supreme Court ruled that the Act was aimed at "the advocacy of action, not ideas". Thus, the advocacy of abstract doctrine remains protected under the First Amendment. Only speech explicitly inciting the forcible overthrow of the government remains punishable under the Smith Act.

War protests
The Warren Court expanded free speech protections in the 1960s, though there were exceptions. In United States v. O'Brien, 391 U.S. 367 (1968), the Court upheld a law prohibiting the mutilation of draft cards, because the Court felt that burning draft cards would interfere with the "smooth and efficient functioning" of the draft system. In contrast, in Cohen v. California, 403 U.S. 15 (1971), the court found that a person could not be punished for wearing, in the corridors of the Los Angeles County courthouse, a jacket reading "Fuck the Draft".

In Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), the Supreme Court ruled that free speech rights extended to students in school. The case involved several students who were punished for wearing black armbands to protest the Vietnam War. The Supreme Court ruled that the school could not restrict symbolic speech that did not cause undue interruptions of school activities. Justice Abe Fortas wrote,

[S]chools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students...are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State.
However, in Bethel School District v. Fraser, 478 U.S. 675 (1986), the Court held a student could be punished for his speech before a public assembly. In the landmark decision of Brandenburg v. Ohio, 395 U.S. 444 (1969), which expressly overruled Whitney v. California, 274 U.S. 357 (1927) (a case in

which a woman was imprisoned for aiding the Communist Party), the Supreme Court referred to the right to speak openly of violent action and revolution in broad terms:

[Our] decisions have fashioned the principle that the constitutional guarantees of free speech and free press do not allow a State to forbid or proscribe advocacy of the use of force or law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or cause such action.

Anonymous speech

In Talley v. California, 362 U.S. 60 (1960), the Court struck down a Los Angeles city ordinance that made it a crime to distribute anonymous pamphlets. In McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995), the Court struck down an Ohio statute that made it a crime to distribute anonymous campaign literature. However, in Meese v. Keene,, 481 U.S. 465 (1987), the Court upheld the Foreign Agents Registration Act of 1938, under which several Canadian films were defined as "political propaganda," requiring their sponsors to be identified.

Commercial speech

In Posadas de Puerto Rico Associates v. Tourism Company of Puerto Rico, 478 U.S. 328 (1986), the Court affirmed the Puerto Rico Supreme Court conclusion, that Puerto Rico's Games of Chance Act of 1948, including the regulations thereunder, was not facially unconstitutional because the population specific ban on commercial speech related to casino gambling did not violate the First Amendment nor did it violate the due process or Equal Protection Clauses of the Fourteenth Amendment.[6]

Flag desecration

The divisive issue of flag desecration as a form of protest came before the Supreme Court in Texas v. Johnson, 491 U.S. 397 (1989). The Supreme Court reversed the conviction of Gregory Lee Johnson for burning the flag by a 5-4 vote. Justice William J. Brennan, Jr. asserted that "if there is a bedrock principle underlying the First Amendment, it is that government may not prohibit the expression of an idea simply because society finds the idea offensive or disagreeable." Many members of Congress criticized the decision of the Court and the House of Representatives unanimously passed a resolution denouncing the Court.[7] Congress passed a federal law barring flag burning, but the Supreme Court struck it down as well in United States

v. Eichman, 496 U.S. 310 (1990). Many attempts have been made to amend the Constitution to allow Congress to prohibit the desecration of the flag. Since 1995, the Flag Desecration Amendment has consistently mustered sufficient votes to pass in the House of Representatives, but not in the Senate. In 2000, the Senate voted 63Â–37 in favor of the amendment, which fell four votes short of the requisite two-thirds majority. In 2006, another attempt fell one vote short.

Obscenity

The federal government and the states have long been permitted to limit obscenity or pornography. While The Supreme Court has generally refused to give obscenity any protection under the First Amendment, pornography is subject to little regulation. However, the exact definition of obscenity and pornography has changed over time.

When it decided Rosen v. United States in 1896, the Supreme Court adopted the same obscenity standard as had been articulated in a famous British case, Regina v. Hicklin. The Hicklin standard defined material as obscene if it tended "to deprave or corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall." The Court ruled in Roth v. United States, 354 U.S. 476 (1957) that the Hicklin test was inappropriate. Instead, the Roth test for obscenity was "whether to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to the prurient interest."

Justice Potter Stewart, in Jacobellis v. Ohio, 378 U.S. 184 (1964), famously stated that, although he could not precisely define pornography, "I know it when I see it."

The Roth test was expanded when the Court decided Miller v. California, 413 U.S. 15 (1973). Under the Miller test, a work is obscene if it would be found desirable to the prurient interest by an average person applying contemporary community standards, depicts sexual conduct in a patently offensive way and has no serious literary, artistic, political or scientific value. Note that "community" standardsÂ—not national standardsÂ—are applied whether the material appeals to the prurient interest; thus, material may be deemed obscene in one locality but not in another. National standards, however, are applied whether the material is of value. Child pornography is not subject to the Miller test, as the Supreme Court decided in New York v.

Ferber, 458 U.S. 747 (1982). The Court thought that the government's interest in protecting children from abuse was paramount.

Personal possession of obs